

REMARKS:

Claims 1 and 3 are in the case and presented for consideration.

Claim 1 has been amended.

Rejection Under 35 U.S.C. §112

Claims 1 and 3 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctively claim the subject matter which applicant regards as the invention, because the metes and bounds of the limitation "nascent form" are indefinite." It is respectfully submitted that because "nascent" has a well-known dictionary definition, the term "nascent form" is not indefinite.

Section 706.03(d) of the MPEP provides that a dictionary is "an appropriate reference source" for determining the "accepted meaning of [a] term." (See, in particular, ¶7.34.02, Examiner Note 2). Here, "nascent" is defined in Your Dictionary as "designating or of the state of an element just released from a compound and having unusual chemical activity because atoms of the element having not combined to form molecules (see, Appendix 1, attached hereto.) Likewise, "nascent" is defined in the Free Online Encyclopedia as "pertaining to an atom or simple compound at the moment of its liberation from chemical combination, when it may have greater activity than its usual state" (see, Appendix 2, attached hereto.) Because, "nascent" has an acceptable dictionary definition, it is submitted that the term "nascent form" is not indefinite.

Rejection Under 35 U.S.C. §102

Claims 1 and 3 stand rejected under 35 U.S.C. §102(b) as being anticipated by Hagenmaier et al. US 5,276,250. It is respectfully submitted that claims 1 and 3 are not anticipated by Hagenmaier et al., for the reasons set forth below.

1. The Office action recites at page 9 that "Further, even if those metal compounds

could not be considered an additional reducing substance, the fly ash stream would contain at least a portion of carbon monoxide from non-fully combusted carbon which could also be considered an additional reducing substance.” The process according to the present application supposes the presence of carbon monoxide. In the reaction system, Applicant’s carbon monoxide is generated by oxidation of carbon (see page 4 of the present application) forming one of the components in the presence of which the dehalogenation detoxication is carried out. The fact that the carbon component and the additional reducing substance are separately recited in claim 1 of the present application clearly shows that the term “additional reducing substance” does not include carbon monoxide. As a result, carbon monoxide should not be considered an additional reducing substance in the present application.

2. Claim 1 has been amended to recite that the additional reducing substance is “organic”. This is still a further reason why Hagenmaier et al. does not anticipate claims 1 and 3.

Rejection Under 35 U.S.C. §103

Claims 1 and 3 are further rejected under 35 U.S.C. §103(a) as being obvious over Hagenmaier et al. It is respectfully submitted that claims 1 and 3 for the same reasons as discussed above with respect to the rejection of claims 1 and 3 under 35 U.S.C. §102 and for the following.

Applicants submit that the table at col. 6, ll. 35-50 of Hagenmaier et al. provides only general analytical data relating to fly ashes, and from which it is not possible to unambiguously determine whether the ARS of the presently-claimed invention is present in the process according to Hagenmaier et al. The particular components of fly ashes are mentioned there only as elements and there is no teaching regarding both the oxidation

state of the given components (which oxidation state is an aspect of the claimed invention, which functions on the ox-redox principle) and the ox-redox potency thereof, which is relevant for evaluation of whether they would be able to perform the ARS's function.

The ARS of the presently-claimed invention is capable of reducing cupric and cuprous ions to elemental copper in nascent form at 250 to 500°C. In this connection, Applicants respectfully note that the Office Action does not indicate which of the components listed in the table is, in fact, the ARS of the presently-claimed invention and show why it is such in the context of ox-redox potentials. Rather, the Office Action merely indicates, "fly ash from coal combustion used in the process Hagenmaier would contain carbon and an ARS," without more.

Therefore, in Applicants' view, the process of Hagenmaier et al. does not teach the use of the ARS of the presently-claimed invention and that claims 1 and 3 are patentable over Hagenmaier et al.

Accordingly, the application and claims are believed to be in condition for allowance, and favorable action is respectfully requested.

If any issues remain, the Examiner is respectfully invited to contact the undersigned at the number below, to advance the application to allowance.

Respectfully submitted,

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